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Human rights situation in Palestine and other
occupied Arab territories

Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan*

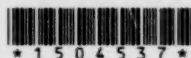
Report of the Secretary-General

Summary

The present report is submitted pursuant to Human Rights Council resolution 25/28 on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. The report highlights new developments concerning the role of Israel in the establishment and expansion of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem. It also analyses the difficulties faced by Palestinians in gaining access to their agricultural land and the impact of Israeli settlements on the economic, social and cultural rights of Palestinians. Lastly, it addresses the issues related to Israeli settlements in the occupied Syrian Golan, including exploitation of natural resources.

* Late submission.

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I. Introduction

1. In the present report, which covers the period from 1 November 2013 to 31 October 2014, the Secretary-General addresses the progress made in the implementation of Human Rights Council resolution 25/28. In that resolution, the Council demanded that Israel, as the occupying Power, cease immediately and completely all of its settlement activities in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan. It also condemned the continuing settlement and related activities, including the expansion of settlements, the expropriation of land, the demolition of houses, and the confiscation and destruction of property. The Council called upon Israel to end human rights violations linked to the presence of settlements and to fulfil its international obligations to provide effective remedy for victims.

2. The information presented in the present report is based on monitoring and other information-gathering activities carried out by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and information provided by other United Nations entities in the Occupied Palestinian Territory. The report also contains information received from Israeli and Palestinian non-governmental organizations and media sources. It should be read in conjunction with previous reports of the Secretary-General on Israeli settlements to the Human Rights Council and the General Assembly (A/HRC/20/13, A/HRC/25/38, A/63/519, A/64/516, A/65/365, A/66/364, A/67/375/, A/68/513 and A/69/348).

3. In past reports, the various types of impact of settlements on the rights of Palestinians and the key role played by the State of Israel in the creation and expansion of Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, were analysed. In his previous report on settlements submitted to the Human Rights Council (A/HRC/25/38), the Secretary-General focused on the discriminatory nature of Israeli planning policy, law and practice, which is contrary to international law and has a negative impact on the human rights of Palestinians.

4. In the present report, the Secretary-General analyses the impact of Israeli settlements and settler violence on the economic, social and cultural rights of Palestinians, and provides an update on settler violence against Palestinians and their property, as well as on the general lack of law enforcement and accountability for settlers in such cases.

II. Legal background

5. International humanitarian law and international human rights law apply, *inter alia*, in relation to Israeli settlements in the Occupied Palestinian Territory (A/HRC/25/38, para. 4 and A/69/348, para. 4). Israel, as the occupying Power, is bound by the Fourth Geneva Convention and the Regulations respecting the Laws and Customs of War on Land (Hague Regulations).¹ Article 49 of the Fourth Geneva Convention establishes that "the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". The construction and expansion of Israeli settlements, as well as other settlement-related activities such as the construction of the wall violate this provision, and are illegal under international law. This was confirmed by the Security Council in its

¹ In its Advisory Opinion on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory (A/ES-10/273 and Corr.1, paras. 89-101), the International Court of Justice found that, even if Israel is not a party to the Hague Regulations, they are nonetheless applicable to Israel as customary law.

resolution 465 (1980), the General Assembly in its resolution 68/82, the Human Rights Council in its resolution 25/28 and the International Court of Justice (A/ES-10/273 and Corr.1, para. 120).

6. In addition to its obligations under international humanitarian law and under customary international law, Israel, as the occupying Power, must also comply with the obligations arising from the international human rights treaties it has ratified, with respect to the Occupied Palestinian Territory, including East Jerusalem (A/HRC/25/38, para. 5). As much was confirmed by the International Court of Justice (A/ES-10/273 and Corr.1, paras. 102-113), and by the human rights treaty bodies monitoring the implementation of international human rights obligations resulting from such treaties (see CCPR/C/ISR/CO/4, para. 5, and CRC/C/ISR/CO/2-4, para. 3). The accession by the State of Palestine to several human rights treaties does not affect the obligations of Israel under international human rights law and international humanitarian law (A/69/348, para. 5).

III. Overview

7. During the period under review, Israel continued to expand existing settlements in the West Bank, including East Jerusalem, and to approve plans for new ones. According to an Israeli non-governmental organization, between 1 November 2013 and 31 October 2014, 4,554 housing units were tendered in Israeli settlements in the West Bank (2,856), including East Jerusalem (1,698), and 10,183 housing units were promoted,² 6,042 in the West Bank and 4,141 in East Jerusalem. As previously reported, on 4 June, the Government of Israel announced the issuing of tenders for more than 1,400 new settlement housing units in the West Bank, including East Jerusalem (A/69/348, para. 6). In September 2014, the plan to build 2,610 units in the Givat Hamatos settlement in East Jerusalem was approved by the relevant planning committee, opening the path for the issuance of tenders.³ If constructed, it would be the first government-led new settlement in East Jerusalem since the construction of Har Homa in the late 1990s,⁴ and would sever the territorial continuity between the Palestinian neighbourhoods of southern East Jerusalem and the southern West Bank.⁵

8. The Secretary-General notes the drop in the initiation of new construction in settlements in 2014 when compared to 2013,⁶ a year when an exceptional amount of new construction was recorded.⁷ The figures of 2014 are similar to the average number of new building projects initiated in 2011 and 2012 (250-300 housing units per quarter). The marketing of housing units in the settlements was, however, reportedly on the rise (by 866%) during the first seven months of 2014.⁸

² Peace Now uses the term "promote" to indicate support from the Government of Israel in advancing new settlement units in the multi-stage planning process.

³ Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, September 2014.

⁴ Ir Amim, "Jerusalem 2014: the rising cost of peace", February 2014.

⁵ Peace Now, "Why is Givat Amatos so significant?", 2 October 2014. See also Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, September 2014.

⁶ According to the Central Bureau of Statistics of Israel, between April and June 2014, the building of 235 housing units were initiated in Israeli settlements in "Judea and Samaria" (West Bank), as against 801 housing units started during the same period in 2013.

⁷ As reported by Peace Now.

⁸ Marketing of housing units denotes when Israeli authorities sign an agreement with a buyer who won a bid to construct a house or building. See Peace Now, "When marketing of units increases by 866%, CBS data shows 70% drop in construction starts", 9 September 2014.

9. New outposts were also established during the period under review.⁹ Following the kidnapping on 12 June of three Israeli youths, who were later found murdered (see paras. 39 - 53 below and A/HRC/28/80/Add.1), four outposts were established in the same area where the incident took place, in the southern West Bank.¹⁰ The media reported that some Israeli right-wing groups declared that at least one of the outposts had been established in response to the kidnapping and killing of the three Israelis.¹¹ The creation of the outposts was reportedly supported by the municipalities of nearby settlements, which supplied trailer homes and basic electricity and water infrastructure.¹² Two of the outposts were dismantled shortly afterwards by the Israeli authorities for being "illegal" under Israeli law. At the time of writing, the other two outposts were reportedly still in place (see A/HRC/28/80/Add.1).¹³

10. New housing units also advanced in East Jerusalem. On 27 October 2014, media reported that the Israeli Prime Minister's office had advanced plans for 660 housing units in the Ramat Shlomo settlement and 400 in the Har Homa settlement.¹⁴ According to an Israeli non-governmental organization, the construction of additional housing units in Ramat Shlomo would reduce the buffer area between the settlement and the Palestinian neighbourhood of Beit Hanina. In early November, the Jerusalem District Planning and Building Committee approved the Ramat Shlomo plan, with the number of housing units reduced from 660 to 500.¹⁵ New housing units in Har Homa would effectively link the areas of this settlement and Givat Hamatos (see para. 7 above).¹⁶

11. During the night of 29 September 2014, Israeli settlers moved into six buildings in the Palestinian neighbourhood of Silwan in East Jerusalem, below the Old City. This appears to have expanded the settler presence in Silwan by about 100 new settlers, an increase of 35 per cent. It was reported that the buildings had been purchased, although OHCHR is aware that some of the Palestinian owners are taking legal action, claiming that they did not sell their property to the settlers. It is reported that Israeli security forces allowed private security guards hired by the settlers to protect their move to the buildings in the middle of the night. At the time of writing, the Israeli Police were protecting the new settlers from possible attacks from Palestinians.¹⁷ The new influx of settlers and the additional presence of the Israeli security forces in an area where the settlement presence has been expanding in recent years contribute to general tensions between Palestinians and Israeli settlers (A/69/348, paras. 31-32).

12. During the period under review, Israel undertook significant steps to enable further expansion of settlements. Following an earlier declaration of State land west of Bethlehem in April 2014 (ibid., para. 19), on 25 August 2014, the Israeli Civil Administration announced the declaration as State land a further 3,799 dunums (930 acres) around the settlement of Gva'ot, also in the vicinity of Bethlehem.¹⁸ According to the Israeli media, the

⁹ Outposts are settlements that, although often established with some kind of government support, are not officially recognized under Israeli law.

¹⁰ As reported by the non-governmental organization Kerem Navot.

¹¹ "Settlers set up new outpost in honor of murdered teens", *Times of Israel*, 1 July 2014.

¹² Peace Now, "Alarming Developments on the Ground", 7 July 2014.

¹³ Kerem Navot reported that the outposts dismantled were Ramat Ha-shlosha and Tekoa E. The remaining outposts are Givat oz Vegaon and Givat Sorek, both in the Southern West Bank.

¹⁴ Barak Ravid and Nir Hasson, "Netanyahu orders plans be advanced for 1,060 new East Jerusalem housing units", *Haaretz*, 27 October 2014.

¹⁵ Nir Hasson, "Jerusalem planners approve construction of 500 settlement homes", *Haaretz*, 3 November 2014.

¹⁶ Ir Amim, newsletter October 2014.

¹⁷ Peace Now, "Settlers Take Over 6 Houses in Silwan", 30 September 2014.

¹⁸ Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, June - August 2014.

declaration was made in response to the killing of the three Israeli teenagers in June 2014.¹⁹ The affected areas are adjacent to the Green Line within the boundaries of five existing Palestinian villages. Once the process is complete (see A/69/348, paras. 18-21 and A/68/513, para. 20), it is expected that the area will be incorporated into the Gush Etzion Regional Council, possibly as a new illegal settlement.²⁰ This action reportedly constitutes the largest appropriation of Palestinian land in 30 years.²¹

13. The settler population continued to grow during the period under review. According to the official umbrella organization representing settlements (quoting figures obtained from the Ministry of the Interior), during the first six months of 2014, the settler population grew by 2 per cent and is expected to grow to 4 per cent by the end of the year, twice the nationwide population growth rate of Israel.²² A report issued in 2014 indicated that, over the past two decades, the population in Israeli settlements had grown by 240 per cent, outstripping growth rates within Israel.²³ Estimates of the current settlement population in the West Bank, including East Jerusalem, range between 500,000 and 650,000 (A/HRC/25/38, para. 8).

14. In past reports, the Secretary-General noted that Israel played a leading role in the construction and expansion of settlements, including through the granting of benefits and incentives to settlers (see A/68/513). During the period under review, public funds continued to be allocated to settlements. In October 2014, the Israeli cabinet reportedly approved the allocation of some \$34.7 million to the settlement division of the World Zionist Organization for the purposes of "developing agricultural and rural settlement".²⁴ Although it was not specified which part of this amount would be invested in settlements in the West Bank, including East Jerusalem (ibid., para. 9), it might be surmised that the final amount would be considerable, given the role of the division in assisting the Government in establishing Israeli settlements in the Occupied Palestinian Territory.²⁵ Reportedly, in 2012, the Government invested more per capita in settlements than within Israel, mainly for education and welfare services.²⁶

15. With regard to action intended to counter the growth of settlements, the European Union decided to ban dairy and other products of animal origin produced in Israeli settlements in the West Bank, including East Jerusalem, and in the occupied Syrian Golan, which reportedly was to come into force in January 2015.²⁷ In a statement issued on 6 June 2014, the Working Group on the issue of human rights and transnational corporations and

¹⁹ Chaim Levinson and Jack Khoury, "Israel appropriates massive tract of West Bank land", 31 August 2014.

²⁰ See Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, June – August 2014. The Head of the Gush Etzion Regional Council is reported as having stated that "the announcement paves the way to establishing the new city of Gva'ot"; see Elior Levy and Itay Blumental, "Israel recognizes 4,000 dunam in gush Etzion as state land", ynetnews.com, 31 August 2014. According to Peace Now, Gva'ot was established as a military base in 1984.

²¹ Peace Now, "Unprecedented land confiscation of 4,000 dunams near Bethlehem", 31 August 2014.

²² Josef Federman, "Israel's settler group in the West Bank boast strong population grown", CTV news, 16 September 2014.

²³ Dr. Shlomo Swirski and Etty Konor-Atias, "Inequality in Central Government Transfers to Municipalities", Adva Center, 9 September 2014.

²⁴ Nimrod Bouso, "Israel to allocate \$35m to World Zionist Organization's settlement division", Haaretz, 23 October 2014.

²⁵ See Talya Sason, Summary of the Opinion concerning Unauthorized Outposts, Israel Ministry of Foreign Affairs, 10 March 2005.

²⁶ Swirski et al., "Inequality in Central Government Transfers" (see footnote 23).

²⁷ Gianluca Mezzofiore, "EU bans Israeli dairy products made in occupied West Bank settlements from January", *International Business Times*, 10 October 2014.

other international enterprises reiterated that companies engaged in the Occupied Palestinian Territory should assess the human rights impact of their activities, also in the light of the heightened risks of negative human rights impact in a conflict-affected area, and take all necessary measures to ensure that they did not have an adverse impact on human rights, in conformity with international law and the Guiding Principles on Business and Human Rights (see also A/HRC/22/63, paras. 96-99 and 117). In 2012, the Secretary-General emphasized that the business and human rights agenda of the United Nations and the said Guiding Principles should be an integral part of global efforts to bridge existing governance gaps and safeguard protection and respect for human rights in the context of economic activities (A/HRC/21/21, para. 92).

IV. Impact of Israeli settlements and settler violence on the human rights of Palestinians

16. Israeli settlements and acts of violence committed by Israeli settlers against Palestinians continue to underpin a broad spectrum of human rights violations against Palestinians (see A/HRC/25/38, A/68/513 and A/69/348).

Denied or restricted access to agricultural land

17. As highlighted in previous reports, the access of Palestinians to agricultural lands is severely restricted and often completely denied for a number of reasons, including intimidation and attacks by Israeli settlers against Palestinians (A/67/375, paras. 19-21); physical obstacles erected by the settlers themselves (A/67/375, paras. 19-21); the imposition of military or security areas off limits to Palestinians, for instance, closed military zones and fenced-off areas around settlements (A/64/516, paras. 30-31; A/65/365, para. 16.); physical movement restrictions, such as the wall, in particular with respect to the farm lands located in the seam zone (A/65/365, para. 33); and settlement roads that impede access to agricultural lands (A/63/519, paras. 16 and 30-36).

18. In response to the difficulties faced by Palestinian farmers in gaining access to Palestinian-owned land located in fenced-off areas around Israeli settlements and in areas witnessing frequent incidents of settler violence, the Israeli authorities have, in recent years, applied the "prior coordination" regime. This mechanism allows registered Palestinian farmers to have access to their land for a limited number of days each year through settlement gates, or to work in the fields under the protection of Israeli security forces (A/67/375, para. 20). According to the Office for the Coordination of Humanitarian Affairs, about 90 Palestinian communities in the West Bank that have land inside or in the vicinity of 55 Israeli settlements and settlement outposts may have access to their land only through "prior coordination" with the Israeli authorities.²⁸

19. "Prior coordination", which has mostly been applied during the olive harvest, does not prevent attacks on trees and crops, which can occur at any time (A/67/375, para. 20). Access to private Palestinian land at times when no "prior coordination" is available remains uncertain and dangerous for farmers, particularly in areas with recurrent incidents of settler violence. Another shortcoming of the mechanism is that it is mainly applied for the olive harvest, not for other harvests. In a case documented by the Office for the Coordination of Humanitarian Affairs, Israeli security forces officers refused to protect

²⁸ Office for the Coordination of Humanitarian Affairs, "The Impact of Israeli Settler Violence on the Palestinian Olive Harvest: The Case of Al Mughayyir Village", October 2013.

Palestinian farmers when they were picking almonds, asserting that the "prior coordination" was only for olives, even though the almond trees were in the same field.²⁹

20. Furthermore, incidents have also been recorded in which Palestinian farmers have been denied access to their lands even during the time allowed by "prior coordination"; for example, on 20 October 2014, Palestinian farmers were reportedly denied access to their olive orchards located in the village of Deir Istiya (Governorate of Salfit) by security personnel from the settlement of Revava.³⁰

21. Another way of restricting access of Palestinians to agricultural land is the permit regime established by Israeli authorities for access to farming land in the seam zone, the closed area located between the wall and the Green Line.³¹ Israeli authorities often cite security reasons or claim that the portion of land is too small to qualify for a permit to deny Palestinians such permits (according to the Office for the Coordination of Humanitarian Affairs, in the past four years, the approval rate in the northern West Bank is 50 per cent).³² For those who manage to obtain a permit, access is nonetheless frequently restricted. In 2013, there were 81 gates designated for access to agricultural lands in the seam zone; however, only nine of them were kept opened every day, while another nine were kept opened for only one or few more days per week. The majority (63) was kept opened only during the olive harvest season, which lasts approximately 45 days.³³

22. Palestinian farmers also see access to their private land restricted and often denied by the civilian security coordinators and guards who operate in the Israeli settlements and outposts in the West Bank. These coordinators and guards are drawn from residents of settlements and outposts, and charged with guarding the settlements and outposts on behalf of the Israeli army.³⁴ They are trained and equipped with weapons by the Israel Defense Forces, and are subject to the Military Justice Law.³⁵ At the same time, they are appointed by and act as the representatives of the settlements. As such, the civilian security coordinators identify with the goals of their communities, the illegal settlements, which seek to expand their boundaries, even if construction is on Palestinian-owned land. OHCHR found that the lack of adequate supervision by the Israel Defense Forces and of clearly defined powers leads to daily friction between the security coordinators and the Palestinians.

23. Civilian security coordinators and guards have been granted police and law enforcement powers, including the powers to detain, search and arrest persons they deem, based on "reasonable grounds", pose a security threat, have committed or are about to commit an offence.³⁶ As a result, civilian security coordinators and guards have de facto a considerable margin of discretion in the conduct of their activities. As observed by Yesh Din, this has enabled them to obstruct arbitrarily the access of Palestinian farmers to their private land located in the vicinity of settlements and outposts. Reportedly, there have been

²⁹ Ibid.

³⁰ Information provided by *Première Urgence – Aide Médicale Internationale*.

³¹ Office for the Coordination of Humanitarian Affairs, "10 Years since the International Court of Justice Advisory Opinion", 9 July 2014.

³² Ibid.

³³ Office for the Coordination of Humanitarian Affairs, *Humanitarian Bulletin Monthly Report*, February 2014, p. 11.

³⁴ Military Order No. 432. See also Eyal Hareuveni, *The Lawless Zone: the Transfer of Policing and Security Powers to the Civilian Security Coordinators in the Settlements and Outposts* (Yesh Din, Tel Aviv, June 2014), pp. 4 and 11.

³⁵ OHCHR and the Protection Cluster, "Update on settler violence in the West Bank, including East Jerusalem", October 2014, p. 5.

³⁶ Hareuveni, "The lawless zone" (see footnote 34), pp. 12-13.

instances where civilian security coordinators and guards have denied Palestinians access to farming plots located nearby a settlement or an outpost to prevent alleged attacks. In addition, cases of Palestinians being injured or having their property confiscated by these bodies while attempting to gain access to agricultural plots have been reported.³⁷

24. In 2009, a series of military orders defined the "guarding zones" areas, in which civilian security coordinators and guards operate, in the vicinity of settlements and outposts, in the West Bank.³⁸ The borders of these areas are wider than the municipal boundaries of the settlements, which allows civilian security coordinators and civilian guard squads to act beyond the jurisdiction of the settlements³⁹ and dramatically expands the impact of the settlements on the freedom of movement of Palestinians, as well as on their right to work their land and earn a living from it.⁴⁰

25. The access of Palestinian farmers to their lands is also impeded by attacks and harassment by Israeli settlers. Documented cases of violence appear to be aimed at spreading fear among Palestinian farmers and to deter them from farming their lands, in particular in areas near settlements (A/67/375, para. 19). The phenomenon of settler violence, and the general failure of Israel to ensure accountability for Israeli settlers who break the law and to protect Palestinians against attacks to their person and property, have been thoroughly analysed by the Secretary-General in previous reports (A/69/348, paras. 36-44; A/HRC/25/38, paras. 37-47).

26. About two-thirds of the land in the West Bank, including the majority of Area C, is unregistered, mainly because of the suspension by Israel of the land registration process in the West Bank at the beginning of the occupation in 1968.⁴¹ Combined with all of the above-mentioned factors that impede the access of Palestinians to agricultural land, this facilitates the dispossession of Palestinians of their land, in particular in Area C of the West Bank. An added factor in Area C is the application of the Ottoman Land Code, which establishes that unregistered land belongs to the ruling Power unless a legitimate private claim to the land arises. Entitlement for such a claim arises over unregistered land that has been cultivated without interruption for a 10-year period, in the absence of which the land is assigned to the ruling Power.⁴² Given the multiple obstacles faced by Palestinians to cultivating their land, it is difficult to comply with the requirement of uninterrupted cultivation for 10 years, which would allow Palestinians to register the land in their name.⁴³ In the absence of land registration, Israel has subsequently claimed much of the

³⁷ Ibid., pp. 40-43.

³⁸ Ibid., pp. 15-25.

³⁹ Ibid., p. 19.

⁴⁰ OHCHR, "Update on settler violence" (see footnote 35), p. 6.

⁴¹ See B'Tselem, "Land grab, Israel settlement policy in the West Bank", May 2002, p. 54. According to Kerem Navot, another form of land registration regime also exists: the "first registration" or self-initiated land registration, established in 1964 under Jordanian rule, which in principle allows both Israeli settlers and Palestinians to register small portions of land in the West Bank. Owing to the expenses incurred in taxes, lawyers and the elaboration of maps required to use the register, few Palestinian farmers can afford to register their land, while Israeli settlers, often supported by settler organizations, are better placed to take advantage of it. See also B'Tselem, "Under the Guise of legality: Israel's Declarations of State Land in the West Bank", February 2012.

⁴² Kerem Navot, "Israeli Settler Agriculture as a Means of Land Takeover in the West Bank", August 2013, annex II, p. 107. The Ottoman Land Code also establishes that the State may take possession of land (held on the basis of a land deed or *kushan*) that is not cultivated for three consecutive years. See also Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, April 2014, and B'Tselem, "Under the Guise of Legality" (see footnote 41) pp. 25-26.

⁴³ Under the "first registration" or self-initiated land registration (see footnote 41).

unregistered land as government property and declared it State land.⁴⁴ Once declared State land, it is often allocated to settlements (A/69/348, para. 20).⁴⁵

27. The above circumstances create a situation of insecurity of tenure for Palestinian landowners, which in turn create the conditions for Israeli settlers to take over land by cultivating it and eventually registering it under their name.⁴⁶

28. According to the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security of the Food and Agriculture Organization of the United Nations (FAO), States should remove and prohibit all forms of discrimination related to tenure rights, including registration of land.⁴⁷ Furthermore, States are to recognize informal land tenure in a manner that respects existing rights and in ways that recognize the reality of the situation and promote social, economic and environmental well-being. The Palestinians, who have long been present on and have cultivated land in the West Bank, should have their legitimate tenure rights recognized and be protected against dispossession of their land. This is in line with the obligation of Israel, as the occupying Power, to protect the population in the occupied territory and their property.⁴⁸

29. Attacks by Israeli settlers against Palestinians and their property, and the denial or restriction of access to agricultural land, undermine Palestinians' right to an adequate standard of living (A/HRC/25/38, paras. 26-29), as set out in article 11 of the International Covenant on Economic, Social and Cultural Rights, to which Israel is party. The right to an adequate standard of living encompasses the right of everyone to continuous improvement in living conditions; however, it is evident that, rather than improving, the living conditions of Palestinians are deteriorating as a consequence of Israeli settlement activities and settler violence, while the settlements continue to prosper (see A/HRC/25/38, A/68/513, A/69/348).

30. Before the occupation, agriculture was the main source of labour and resources for Palestinians. Palestinian agriculture has, however, been adversely affected by measures taken by Israel as the occupying Power, in particular land seizures and restrictions on access to land and water resources (A/68/513, para. 40). From 1965 to 1994, cultivated areas shrank by 30 per cent from 1965 to 1994, and Palestinian agricultural production was reduced, from 50 per cent in 1968 to 4.9 per cent of GDP in 2013.⁴⁹

31. Agriculture constitutes the largest sector of the economy of Israeli settlements (A/68/513, para. 41). Settlers do not face the same restrictions as Palestinians in their access to agricultural land, and receive the protection and support of Israel. This generally allows them to invest in new technologies and more efficient farming methods, which is reflected in their productivity (A/HRC/22/63, paras. 22, 89-92; A/68/513, para. 28; A/69/348, paras. 28-32). Every year, Israeli settlers export some \$285 million worth of agricultural products, against only \$19 million by Palestinians.⁵⁰

⁴⁴ B'Tselem, "Under the Guise of Legality" (see footnote 41), p. 33.

⁴⁵ State land is automatically placed within the settlement's regional and local councils and then allocated for settlement development or military training. Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, April 2014.

⁴⁶ Using the self-initiated registration regime. Kerem Navot, "Israeli Settler Agriculture" (see footnote 42), p. 108. See also A/69/348, paras. 29-31.

⁴⁷ See also International Covenant on Economic, Social and Cultural Rights, art. 2.2.

⁴⁸ Hague Regulations, art. 43; Fourth Geneva Convention, arts. 4, 27 and 55.

⁴⁹ Emergency Water and Sanitation/Hygiene (EWASH), Fact Sheet 14, 2013; and Palestinian Central Bureau of Statistics, "Palestine in Figures 2012", March 2013.

⁵⁰ Who Profits, "Made in Israel: Agricultural Exports from Occupied Territories", April 2014.

Case study: the olive harvest

32. Almost half of the agricultural land in the Occupied Palestinian Territory (48 per cent) is planted with 8 million olive trees, with the majority located in the West Bank. The olive oil industry accounts for 25 per cent of all agricultural income of the Occupied Palestinian Territory; it is estimated that about 100,000 families depend to some extent on the annual olive harvest for their livelihood (A/HRC/25/38, para. 26).⁵¹ Between 90 and 95 per cent of the olive harvest is used to produce olive oil. Production of olive oil depends on the yield cycle, and accordingly fluctuates between 6,000 and 34,000 tons a year.⁵²

33. The restriction or denial of access for Palestinian farmers to olive orchards has a negative impact on the production of olives, in particular in areas in the vicinity of settlements, in the seam zone (where some 40,000 dunums (9,884 acres) of olive groves are located), and in those areas where incidents of settler violence are recurrent. Olive orchards require maintenance all year round. Restrictions on and delay or prevention of performance of agricultural maintenance activities have an adverse impact on productivity and value of the harvest. According to FAO, each olive grove requires a total of 133 days of work a year to adequately maintain it, including tasks such as land clearing, fertilizing, ploughing, pest control and harvesting. Owing to the restrictions imposed, most Palestinian farmers have access to their olive orchards for just a few days a year, mainly confined, through the "prior coordination" mechanism, to the harvest period, which is far less than the 133 days required to adequately maintain the orchards.

34. Restrictions on access to olive orchards located in the seam zone have a negative impact on the production and the value of the harvest. Data collected in the northern West Bank since 2010 showed that olive trees in the seam zone had a reduction in yield of between 40 and 60 per cent when compared to equivalent trees in areas where maintenance activities could be carried out freely on a regular basis.⁵³

35. Settler violence also has a negative impact on Palestinian agricultural productivity. Attacks and intimidation against Palestinian farmers and the destruction of their property take place on a regular basis, affecting their rural livelihoods. According to information from the Office for the Coordination of Humanitarian Affairs, during the period under review, 8,482 Palestinian-owned trees were damaged in the West Bank, including East Jerusalem. Although there has been a reduction in the number of trees affected in comparison with 2013, the number of trees uprooted and damaged remains high.⁵⁴

36. Settler violence usually increases during the olive harvest (A/67/375, para. 19).⁵⁵ During the first month of the olive harvest, in October 2014, 15 incidents of settler violence, resulting in damage to 277 trees, were recorded.⁵⁶ For example, on 14 October, 21 Palestinian-owned olive trees were reportedly cut and damaged by settlers from the Bait

⁵¹ Office for the Coordination of Humanitarian Affairs, Humanitarian Bulletin Monthly Report, September 2014, p. 2.

⁵² *Ibid.*, p. 4.

⁵³ *Ibid.*, February 2014, pp. 11-12.

⁵⁴ Between January and September 2014, 7,342 trees were damaged. During the same period in 2013, the number of trees affected was 8,615.

⁵⁵ See the United Nations Relief and Works Agency for Palestine Refugees in the Near East, "Olive harvest: continued settler attacks against refugee livelihoods", October 2013.

⁵⁶ In 2013, 33 incidents were reported during the whole period of the olive harvest (October – December 2013), which resulted in damage to 1,522 trees.

Ayin settlement, in the Bethlehem Governorate.⁵⁷ On 22 October, a field of olives was set alight, allegedly by Israeli settlers from the Yitzhar settlement in the Nablus Governorate.⁵⁸

37. Statistics indicate that most attacks by Israeli settlers on Palestinian individuals and on Palestinian-owned trees reportedly go unpunished. Of the 246 investigations opened between 2005 and 2014 monitored by Yesh Din, only four ended with an indictment and 223 were closed owing to possible investigative failures, such as a failure to identify suspects or to collect evidence.⁵⁹ The establishment of an anti-nationalistic crimes unit within the "Judea and Samaria" (West Bank) police seems to be ineffective. Out of the 35 cases of damage by settlers to Palestinian trees documented by Yesh Din in 2013, 23 cases were closed, apparently because of investigation failures, with no indictments issued.⁶⁰

38. Physical attacks against Palestinian farmers were also recorded during the 2014 olive harvest. On 11 October, in the village of Kafr al-Labad, Tulkarem Governorate, Israeli settlers reportedly injured a 45-year-old Palestinian man and his 9-year-old son who were picking olives with their family on land that does not require prior coordination for access to it. Three Israeli settlers holding knives reportedly attacked them. The settlers allegedly stole the harvest equipment and personal belongings, and seized five sacks of olives, amounting to approximately 250 kg.⁶¹ In another incident on the same day, a 27-year-old Palestinian woman was injured by Israeli settlers when picking olives on a grove located near the settlement of Kfar Tappuah, Salfit Governorate.⁶²

V. Failure to maintain public order, settler violence and lack of accountability

A. Overview

39. The persistent and troubling phenomenon of settler violence is directly related to the continued existence, proliferation and expansion of illegal settlements inserted in and between Palestinian communities throughout the West Bank, including East Jerusalem, as described above and in previous reports of the Secretary-General (see A/69/348, paras. 36-44).

40. Settler violence is one of the clearest and most direct negative consequences of the settlements. It affects the enjoyment by Palestinians of their basic rights, including their rights to freedom of movement, an adequate standard of living, work, and education, as they face difficulty in having access to schools or their land for fear of attack by settlers (A/68/513, paras. 12-14).⁶³ Repeated calls by the international community for the Israeli authorities to address the problem have generally not succeeded in prompting positive action to improve the situation (CCPR/C/ISR/CO/4, para.16 and A/69/348, paras. 36-44).⁶⁴

⁵⁷ Office for the Coordination of Humanitarian Affairs, Protection of Civilians (Weekly), 14–20 October 2014, p. 2.

⁵⁸ Information provided by Premiere Urgence – Aide Medicale Internationale.

⁵⁹ See Yesh Din, "96.6 Percent of Investigations into Attacks on Palestinian Trees are Closed due to Police Failings. Indictments in Only Four Cases", 13 October 2014, and "Law Enforcement on Israeli Civilians in the West Bank", Yesh Din Monitoring 2005-2013, 24 July 2013.

⁶⁰ Yesh Din, "96.6 Percent of Investigations into Attacks" (see footnote 59).

⁶¹ Information provided by Premiere Urgence – Aide Medicale Internationale.

⁶² See Office for the Coordination of Humanitarian Affairs, Protection of Civilians, 30 September – 13 October, and "Settlers beat woman picking olives with her children near Salfit", Ma'an News Agency, 12 October 2014.

⁶³ OHCHR and the Protection Cluster, "Update on settler violence" (see footnote 35), pp. 3-4.

⁶⁴ Ibid., pp. 5-6.

Between 1 November 2013 and 27 October 2014, 207 Palestinians were recorded as injured in settler-related incidents, including 88 by settlers themselves and 119 by Israeli security forces. According to information received from OHCHR, five Palestinian fatalities were recorded in settler-related incidents, including three killed by Israeli security forces and two by Israeli settlers. During the same period, six Israelis were reportedly killed and 62 injured by Palestinians in the West Bank, including East Jerusalem (see also paras. 52-53 below).

41. In this context, Israel has repeatedly failed to prevent or halt attacks on Palestinians as it is obliged to do under international law.⁶⁵ This failure is underpinned by a long-standing lack of accountability in cases involving settlers, whether in relation to physical assaults or attacks on Palestinian property (see table below). As stated in previous reports, Israel has an obligation to bring perpetrators to justice under international human rights law (A/HRC/25/38, para. 38 and A/68/513, paras. 42-52), as a key component of ensuring protection, justice for victims and non-repetition of similar incidents.

Impact of settler violence: 2009-2014 (January to September)

	2009	2010	2011	2012	2013	2014
Incidents resulting in casualties	37	55	105	71	79	88
Injuries caused by settlers	106	76	144	115	121	142
Injured caused by Israeli security forces	49	204	95	42	172	79
Incidents resulting in property damage	69	145	232	183	240	166
Trees/saplings destroyed or damaged	2 075	3 910	8 033	6 565	8 615	7 342

Source: Protection Cluster in the occupied Palestinian Territory (October 2014)

B. Cases of settler violence

42. Incidents of settler violence against Palestinians and their property continued throughout the West Bank, including East Jerusalem. The kidnapping and murder of three Israeli teenagers, Naftali Fraenkel, Gilad Shaer and Eyal Yifrah, near Hebron in June 2014 sparked a wave of racist attacks by Israelis, including settlers, on Palestinians, particularly in East and West Jerusalem but also across the West Bank. This culminated in the abduction and murder by Israelis, including one settler, of Palestinian teenager Mohammad Abu Khdeir from East Jerusalem, which in turn sparked violence by Palestinians against Israelis (see A/HRC/28/80/Add.1).

43. Such cases recorded in Jerusalem included physical attacks, "price tag" hits (see A/HRC/25/38, para. 47) and damage to property. The attacks were perpetrated by both settlers and other Israelis, but were all part of an increase in attacks in Jerusalem during the period under review. In one case monitored by OHCHR, on 10 February 2014, several cars

⁶⁵ Israel has a positive obligation to protect Palestinians from settler violence and, as the occupying Power, also the obligation to maintain public order and safety in the Occupied Palestinian Territory, including by providing Palestinians with all the guarantees accorded to protected persons under international humanitarian law. Fourth Geneva Convention, in particular, arts. 4 and 27; CCPR/C/21/Rev.1/Add.13, para.8, and Hague Regulations, art. 43.

were allegedly painted with "anti-Arab" graffiti and their tyres flattened in the Palestinian neighbourhood of Silwan in East Jerusalem.

44. In another case monitored by OHCHR, on 12 April 2014, at around midnight, three Palestinians from the East Jerusalem neighbourhood of Beit Hanina went to withdraw money from an automatic teller in the adjacent Pisgat Zeev settlement. As they were leaving, they were blocked by some 25 settlers who reportedly declared that it was "a Jewish neighbourhood" and that "Arabs are not allowed in", and then severely beat them. When the settlers left, the Palestinians informed an Israeli police patrol of the incident. The police searched the area and arrested three suspects. On 13 April, the victims identified one of the alleged perpetrators among those arrested. A few days later, however, the victims, inquiring about the case, were informed that it was closed.

45. Incidents were also recorded in other areas of the West Bank. In a case monitored by OHCHR, on 23 May 2014, two Palestinians were allegedly attacked by a group of four settlers on road #457 when they stopped their car near the Ma'ale Mikhmas settlement. One was beaten with metal pipes for about 15 minutes. He suffered three fractures to his skull and spent three days in intensive care. The other Palestinian, the driver, was stabbed in the arm by one of the settlers, and wounded his hand when attempting to grab the knife. He managed to drive off to look for help. When he returned to the site accompanied by three Palestinian cars, the settlers fled the scene.

46. During the period under review, cases of Palestinians throwing stones – and in some cases Molotov cocktails – at Israeli vehicles in the West Bank, resulting in material damage and a number of injuries, were recorded. Assaults by Palestinians against Israelis, including against settlers, were also reported (see section below).

C. Failure to protect

47. The failure of Israeli forces to protect and enforce the law against settlers has been well documented (see A/HRC/25/38, paras. 42-47). While past initiatives have led to increased protection for Palestinians and their property, for the most part the violence continues unabated. Concerns persist in two primary respects: incidents in which the Israeli security forces are present at the scene of an incident involving violence by a settler, but fail to intervene to prevent or stop the attack, including by failing to make arrests; and a more general failure to provide adequate protection at known trouble spots and during periods of heightened risk.

48. Past reports included information on several cases in which Israeli soldiers appeared to stand by while settlers committed offences (A/66/364, paras. 23-25; A/67/375, paras. 30-32; A/68/348, para. 40), despite having the authority and obligation to respond in cases where the Israel Defense Forces are on the scene before the Israeli police.⁶⁶ The State Comptroller, responsible for, inter alia, auditing acts of Israeli institutions, in a report of 2013 raised similar concerns regarding the failure of the Israel Defense Forces to detain suspects and to ensure the integrity of a potential crime scene.⁶⁷

49. Recurrent incidents of settler violence in specific geographic areas have been broadly documented.⁶⁸ Accordingly, the authorities are aware of the locations and times of year when greater protection is necessary. In 2012, the Office for the Coordination of

⁶⁶ See Yesh Din, Shadow report to the fourth periodic report of Israel, Human Rights Committee, 8 September 2014 (available from www.yesh-din.org/infoitem.asp?infocatid=628), pp. 19-20.

⁶⁷ Ibid., p. 20.

⁶⁸ See Office for the Coordination of Humanitarian Affairs, map of Palestinian communities at risk of Israeli settler violence, September 2012. See also A/69/348, paras. 38-44 and A/68/513, paras. 46-47.

Humanitarian Affairs estimated that 315,000 people in 110 communities were at high or moderate risk of settler violence.⁶⁹ They included Palestinian villages close to Yitzhar and Bracha settlements in the Nablus area where, for example, 1,974 olive trees were reportedly damaged between January 2013 and the end of September 2014.⁷⁰

D. Accountability

50. Where there is a willingness on the part of the Israeli authorities to enforce the law, they are able to do so effectively. For example, as previously reported, following an attack by Israeli settlers on an Israel Defense Forces post on 8 April 2014 sparked by the demolition of some structures in Yitzhar settlement, the Government of Israel adopted a position of "zero tolerance" and five arrests were reportedly made (A/69/348, para. 41). The stationing of a border police company in Yitzhar appears to have led to a decrease in settler violence incidents in the surrounding Palestinian villages since May 2014.⁷¹ Furthermore, there have been some cases of arrest of Israelis for committing "price tag" attacks,⁷² an anti-nationalistic crimes unit has been created within the "Judea and Samaria" (West Bank) police, and perpetrators are now reportedly classified as belonging to "illegal associations".⁷³ The number of cases that actually lead to any kind of accountability is, however, negligible.⁷⁴

51. Overall, settlers committing violent acts against Palestinians are rarely prosecuted, providing little deterrence against similar attacks. An examination of complaints of settler violence since 2005 has revealed a lack of accountability in the vast majority of cases. Indictments were served in only 72 of the 970 processed cases monitored between 2005 and 2014. A total of 887 files (or 91.4 per cent) of complaints were closed without an indictment being served, of which 593 because the "offender was unknown", 195 because of "insufficient evidence" and 76 due to the "absence of criminal culpability".⁷⁵ This reinforces a sense and culture of impunity for perpetrators, and exacerbates Palestinians' sense of insecurity and lack of confidence in the Israeli judicial system.

E. Attacks on Israelis, and differentiated standards of due process

52. According to information provided by OHCHR, between 1 November 2013 and 27 October 2014, six Israelis (including two children) were killed, and 62 were wounded in attacks committed by Palestinians - a worrying increase when compared with previous years (see A/HRC/25/38, para. 39). The means deployed to investigate such incidents appear to be greater than those for attacks against Palestinians. When the victims are Israeli, large-scale arrest and detention campaigns are typically carried out by the Israel Defense Forces throughout the West Bank, and by the Israeli police and border police in East Jerusalem, in order to apprehend the suspects (A/66/364, para. 31). By contrast,

⁶⁹ 31 per cent in the North, 34 per cent in the Centre and 35 per cent in the South of the West Bank; see Office for the Coordination of Humanitarian Affairs, *Monthly Humanitarian Monitor*, August 2012.

⁷⁰ OHCHR and the Protection Cluster, "Update on settler violence" (see footnote 35), p. 6.

⁷¹ *Ibid.*, p. 5.

⁷² See "Seven Jewish teens arrested for 'price tag' attacks near Jerusalem", *ynetnews.com*, 5 May 2015, and Ben Hartman, "Husband and wife from Yitzhar arrested for Umm al-Fahm Price Tag attack", *Jerusalem Post*, 1 May 2014.

⁷³ See Tovah Lazaroff, "US: Price tag attacks against Palestinians 'largely un-prosecuted'", *Jerusalem Post*, 30 April 2014.

⁷⁴ See Daniel Estrin and Josef Federman, "In West Bank, teen offenders face different fates", *AP*, 20 April 2014.

⁷⁵ Yesh Din, "Law Enforcement on Israeli Civilians in the West Bank", November 2014.

investigations of attacks against Palestinians tend to raise serious questions about their effectiveness in bringing perpetrators to account.

53. The difference witnessed in the justice systems applied is also matter of concern. Most Palestinians accused of attacks against Israelis are tried by the Israeli military justice system, while Israeli civilians, including settlers, accused of crimes are tried by civilian courts.⁷⁶ The Israeli military court system imposed on Palestinians in the West Bank, including East Jerusalem, does not afford suspects some of the fundamental guarantees of the right to a fair trial, in particular the independence and impartiality of the tribunal (A/67/372, para. 27).

VI. Settlements in the occupied Syrian Golan

54. An estimated 21,000 Israeli settlers currently live in the occupied Syrian Golan in 33 settlements heavily subsidised by Israel. These settlements enjoy a number of financial incentives as well as a disproportionate allocation of water resources, which contributes to a higher agricultural yield for settlers. By contrast, approximately 20,000 Syrians, the majority from the Druze community, live in six villages dependent primarily on agricultural income, but disadvantaged by restricted water supplies at higher prices and fewer economic opportunities.⁷⁷ The exploitation of natural resources in the occupied Syrian Golan, in violation of international law, has continually been supported by the Government of Israel, and includes permits and licences granted to extractive multinational corporations involved in oil and gas mining (A/HRC/25/38, para. 48, and A/68/513, paras. 53-54). The Government's latest five-year development plan, announced in January 2014, aims to provide better water infrastructure systems and accelerate de-mining efforts to support settler farming communities in the occupied Syrian Golan (A/69/348).

55. The beneficiaries of such developments may include the Israeli wine industry. A total of 14 Israeli wineries, mostly founded in the late 1990s or early 2000s, are based in Israeli settlements in the occupied Syrian Golan, and produce their wine from grapes grown in the occupied territory. The oldest of the wineries based in several settlements in the occupied Golan, Golan Heights Wineries, founded in 1983, produces an estimated 5.4 million bottles of wine annually. Many of the wineries, which market their produce globally, reportedly do not label the origin of the grapes accurately on their bottles.⁷⁸

56. The Government is also reportedly focusing on investing in education for the benefit of settlers in the occupied Syrian Golan. In August 2014, it was reported that an Israeli academic institution, Ohalo College, based in Katzrin settlement in the occupied Syrian Golan, was offering a wide range of financial incentives to prospective students in order to increase enrolments.⁷⁹ The Secretary-General reiterates that the Security Council, in its resolution 497 (1981), reaffirmed that the acquisition of territory by force is inadmissible, in accordance with the Charter of the United Nations, the principles of international law, and relevant Security Council resolutions, and decided that the decision of Israel to impose

⁷⁶ The Committee on the Elimination of Racial Discrimination recommended that Israel ensure equal access to justice for Palestinians and Israelis, including settlers; see CERD/C/ISR/CO/14, para. 27.

⁷⁷ Patrick O. Strickland, "Residents in occupied Golan Heights fear creeping Israeli presence", 12 February 2015.

⁷⁸ *Forbidden Fruit: the Israeli Wine Industry and the Occupation* (Tel Aviv, Who Profits, April 2011). On the labelling of products from settlements in the West Bank, see A/HRC/22/63, para. 99.

⁷⁹ "As world watched Gaza, Israel announced 1472 new settlements in West Bank", Mondoweiss, 30 August 2014.

its laws, jurisdiction and administration in the occupied Syrian Golan Heights was null and void and without international legal effect.

VII. Conclusions and recommendations

57. During the period under review, Israel continued to play a leading role in the establishment and the expansion of Israeli settlements in the Occupied Palestinian Territory, in violation of international law, in particular article 49 of the Fourth Geneva Convention. The settlements continue to be a central source of multiple human rights violations of Palestinians. In this context, Israel still largely fails to comply with its international obligation to protect the Palestinian population from violent acts committed by Israeli settlers, and to effectively prevent, and ensure accountability for, settler violence. Israeli policies and practices regarding access to Palestinian land have a negative impact on the rights of Palestinians, in particular their rights to an adequate standard of living and to work.

58. Israel must stop obstructing and restricting the access of Palestinians to agricultural land in the West Bank, including East Jerusalem. Disproportionate restrictions, mostly related to settlements, are putting Palestinian livelihoods at a great risk. Effective measures should be taken to ensure that Palestinians are able to have access to and cultivate their land on a continuous basis, beyond ad hoc mechanisms such as "prior coordination". In addition, security of land tenure must be ensured, including by means of measures allowing Palestinians to register without discrimination the land they have been using for long periods of time.

59. Israel, as the occupying Power, is obliged to take all reasonable measures to prevent violent attacks by Israeli settlers against Palestinians. Israel must ensure that all acts of violence committed by Israeli settlers against Palestinians and their property are investigated independently, impartially, thoroughly, promptly, effectively and in a non-discriminatory manner. Investigations should be open to public scrutiny and allow for the participation of victims. Alleged perpetrators should be prosecuted and victims should be granted an effective remedy.

60. Israel must cease all settlement activity in the West Bank and East Jerusalem, as well as in the occupied Syrian Golan, and implement relevant United Nations resolutions, including Security Council resolution 497 (1981), and withdraw from the territories occupied in 1967. Israel must also immediately cease the exploitation of natural resources from these territories.
